

**OFFICE OF THE GENERAL COUNSEL
Division of Operations-Management**

MEMORANDUM OM 95-95

December 8, 1995

TO: All Regional Directors, Officers-in-Charge,
and Resident Officers

FROM: B. Allan Benson, Acting Associate General Counsel

SUBJECT: Cases Currently Being Coordinated
by the Division of Operations-Management

The following is an updated list of cases currently being coordinated by Operations-Management.

I. Greyhound Lines, Inc.

- A. The 8(a)(5) aspect of the complaint in Cases 30-CA-1068I-2, et al., has been tried by Region 30; a settlement agreement has been approved by the administrative law judge and the Board and has been enforced by the Court of Appeals. A petition has been filed with the bankruptcy court to release funds that are being held in trust for the satisfaction of backpay claims. That petition is still pending.

Consequently, pursuant to instructions, all open or closed cases (CA, CB, and R) still maintained in the Regional Offices involving Greyhound Lines, Inc.; the Amalgamated Transit Union (ATU); its Council; or any of its locals filed since January 1, 1990 should now have been shipped to Region 30, regardless of the stage of investigation.

- B. Deputy Assistant General Counsel Cornele A. Overstreet is coordinating these cases.

II. United States Postal Service (3-CA-14483-1(P))

- A. On April 17, 1992, a settlement was reached between Region 3, the United States Postal Service (USPS), and the American Postal Workers Union, AFL-CIO, in the nationwide cases involving the Employee Involvement/Quality of Worklife Programs.
- B. Region 3 is the lead Region. Please refer to Memorandum OM 92-5I for the procedures to follow regarding the handling of these cases.

III. United States Postal Service (22-CA-17009(P) et al.)

- A. On August 3, 1993, settlements were reached between Region 22, the United States Postal Service (USPS), the American Postal Workers Union, AFL-CIO (APWU), the National Association of Letter Carriers, AFL-CIO (NALC) and the National Postal Mailhandlers Union, AFL-CIO (NPMU). The settlements, whose terms are identical except for the names of the unions, provide for the posting of notices in the facilities involved in the subject cases and the furnishing of the information at issue in those cases. They provide further that the USPS will no longer refuse to provide information regarding its supervisors which is necessary and relevant to the Unions' duties as collective-bargaining representatives, nor will the USPS refuse to provide such information on the grounds that it is barred from doing so by the Privacy Act of 1974.
- B. Region 22 is the lead Region. Please refer to Memorandum OM 93-56 for the procedures to follow regarding the handling of these cases.

IV. American Postal Workers Union

- A. Region 16 has issued a complaint in Case 16-CB-3059(P) alleging that the Union violated the Act by failing to inform employees that it had filed a grievance challenging the Employer's honoring of dues deduction revocations which allegedly were untimely filed; and by regarding employees who revoked their checkoffs as having resigned from the Union. Other related cases have been transferred to Region 16. The cases have been settled. The settlement provides for reimbursement of dues to over 2,400 members throughout the country. Checks are currently being issued to employees through Region 16. Questions from potential claimants should be referred directly to Region 16.

V. Beverly Enterprises

- A. Consolidated litigation against Beverly Enterprises, Inc., and its subsidiaries, alleging violations of Section 8(a)(1) and (3) of the Act continues.
- B. In light of the agreement between the General Counsel and Beverly, executed by the General Counsel on March 22, 1995, new merit cases will not automatically be consolidated. Region 6 remains the lead Region. Please refer to Memorandum OM 95-28 for procedures to follow.
- C. Assistant General Counsel Richard A. Siegel is coordinating these cases.

VI. Beck Cases Involving the Communications Workers of America and/or its Locals

- A. The lead Region is Region 20. Please refer to Memorandum OM 9I-56 for the procedures to follow regarding the handling of these cases.
- B. Deputy to the Assistant General Counsel Dana L. Hesse is coordinating these cases.

VII. Beck Cases Involving the International Association of Machinists and/or its Locals

- A. The lead Region is Region 34. Please refer to Memorandum OM 9I-26 for the procedures to follow regarding the handling of these cases.
- B. Deputy to the Assistant General Counsel Hesse is coordinating these cases.

VIII. Beck Cases Involving the International Brotherhood of Electrical Workers and/or its Locals

- A. The lead Region is Region II. Please refer to Memorandum OM 9I-48 for the procedures to follow regarding the handling of these cases.
- B. Deputy to the Assistant General Counsel Hesse is coordinating these cases.

IX. Beck Cases Involving the United Food and Commercial Workers and its Locals

- A. The lead Region is Region I6. Please refer to Memorandum OM 9I-49 for the procedures to follow regarding the handling of these cases.
- B. Deputy to the Assistant General Counsel Hesse is coordinating these cases.

X. Beck Cases Involving the United Auto Workers and/or its Locals

- A. The lead Region is Region 31. Please refer to Memorandum OM 91-73 for the procedures to follow regarding the handling of these cases.
- B. Deputy to the Assistant General Counsel Hesse is coordinating these cases.

XI. "Salting" Cases

- A. Unfair labor practice charges have been filed in various Regions alleging Employer refusal to hire applicants who indicate on their applications that they are "paid" or "unpaid union organizers." See Memorandum 94-73 for guidance in investigating such "salting" cases.
- B. Deputy to the Assistant General Counsel Richard D. Hardick is coordinating these cases. While Regions are no longer required to submit dismissal cases to him for clearance, please continue to send copies of all "salting" charges and complaints to Richard Hardick. See Memoranda OM 95-2 and OM 95-93.

XII. Boeing (19-CA-24154; 24157)

Complaint has issued in this refusal to bargain and provide information case and 10(j) authorization is under consideration. The lead Region is Region 19. Any Region receiving charges filed against Boeing should fax a copy of the charge to Regional Director Jack Nelson immediately upon filing and should coordinate the investigation of these cases with him.

Deputy to the Assistant General Counsel Hesse is coordinating these cases for Operations.

XIII. Pony Express Courier Corp.

- A. Unfair labor practice charges have been filed in various Regions against Pony Express. These charges have been filed by the International Brotherhood of Teamsters and its locals.
- B. Assistant General Counsel Richard A. Siegel is coordinating these cases. Please refer to OM 93-81 and OM 94-8 for the procedures to follow regarding the handling of these cases.

XIV. Caterpillar, Inc.

- A. Over 60 complaints have issued, 36 of which have been consolidated and are currently being heard before ALJ James Rose. Caterpillar, Inc., Cases 33-CA-9876-3, et al. ALJ Rose has issued four decisions that are currently pending before the Board. Two more sets of cases are scheduled to be tried before ALJ Rose. A second set of complaints has been consolidated for hearing, five of which have been tried before ALJ Stephen Gross. Unfair labor practice charges are continuing to be filed by the UAW in various Regions.
- B. Region 33 is the lead Region.

- C. Deputy Assistant General Counsel Anne G. Purcell is coordinating these cases. When a new charge is filed, please contact Region 33 to make arrangements to have the case transferred. However, the Region receiving the charge should complete the investigation and then send the file to Peoria for decision and further processing.

XV. United Parcel Service

- A. Pursuant to OM 95-72 dated September 13, 1995, following the issuance of the Board's decision in United Parcel Service, 318 NLRB No. 97 (August 1995), confirming NLRA jurisdiction over the Employer, Regional Directors should be processing UPS unfair labor practice and representation cases.
- B. Assistant General Counsel Siegel is coordinating these cases.

XVI. Overnite Transportation, Inc.

- A. Region 18, Minneapolis, is the lead Region for the national coordination of unfair labor practice cases involving Overnite Transportation, Inc. Regions should send Region 18 copies of "CA" and "CB" charges filed against Overnite and Teamsters copies of agenda minutes or FIRs prior to implementation. Deputy Assistant General Counsel Cornele A. Overstreet is coordinating the Overnite "C-Cases" in Washington. Please FAX copies of all charges upon filing to DAGC Overstreet. Also, refer to OM 95-71 for procedures to follow when new charges are filed in light of the most recent settlement in some of these cases.
- B. AGC Siegel is coordinating Overnite "R-Cases." By memorandum dated March 10, 1995, Regional Directors were asked to promptly serve petitions and notices of hearing, and fully explore the issues with the parties, seeking an election agreement or a narrowing of the issues for hearing. The parties are to be informed that hearings will be run on consecutive days until conclusion and that they will be expected to be available. Hearings will be scheduled within the General Counsel's guidelines and hearing officers are to ensure a complete record on all relevant issues, without overburdening the record. Time for filing briefs will be kept to the minimum consistent with the Rules and Regulations, the nature of the record and the issues presented. Decision-writing assignments will be made to ensure prompt completion of the draft and issuance to permit an election within the General Counsel's guidelines. By "ccmail" or FAX AGC Siegel is to be advised of petitions as they are filed and of hearing dates, dates of stipulated election agreements when executed, and election dates. In addition, please communicate issues that the parties are taking to hearing when they become known. Also transmit

copies of all decisions and orders and decisions and directions of elections together with a WORD disk or via "ccmail" when issued so that AGC Siegel can serve as a clearinghouse for the information.

XVII. Bridgestone/Firestone, Inc.

- A. Both CA and CB charges have been filed in a number of Regions as a result of the Bridgestone/Firestone-Rubber Workers negotiations. See Memorandum OM 94-90. Complaint has been authorized against both Bridgestone and the Union with regard to several unfair labor practice allegations. The strike has been found to be an unfair labor practice strike. Absent settlement, litigation will be coordinated by Region 25. There are also charges still under investigation in Region 25. Charges have also been filed in Regions 17, 18, 26 and 33.
- B. Region 25 is currently coordinating these cases. Deputy Assistant General Counsel Anne G. Purcell is coordinating the Bridgestone/Firestone cases in Operations-Management.

XIX. ConAgra, Inc.

- A. All cases involving an administrative unit of ConAgra, Inc. known as ConAgra Red Meats should be handled in accordance with Memorandum OM 94-45. Region 27 is the lead Region. Region 17 has active cases involving ConAgra's Grand Island, Nebraska facility which are being coordinated with Operations-Management, Region 27 and the Contempt Branch.
- B. Deputy Assistant General Counsel Cornele A. Overstreet is coordinating the Conagra Red Meats cases for Operations-Management.

XX. General Security Services Corporation (27-CA-14158)

- A. All charges alleging that the Employer has unlawfully excluded union members from a 401(k) plan are being consolidated with Region 27's lead case. Regions investigating charges against the same Employer which are not related to this allegation should contact the Division of Operations-Management to ensure that there are no Jefferson Chemical issues if the charges appear to be meritorious.
- B. DAGC Celeste J. Mattina is coordinating these cases.

XXI. United States Postal Service, (303 NLRB 463 (1991))

On June 30, 1992, the United States Court of Appeals for the District of Columbia Circuit issued its judgment enforcing the Board's nationwide order in the above matter requiring Respondent to cease and desist from refusing to permit APWU representatives to consult with employees prior to Weingarten interviews conducted by Postal Inspectors. Please see Memorandum OM 93-71 for the procedures to follow regarding any USPS post-judgment merit cases alleging a Weingarten or Climax Molybdenum issue.

If you have any questions regarding this memorandum, please contact your Assistant General Counsel.

B. A. B.

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